

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 19

June 14, 2006

**SUBJECT: CRIMINAL DISCOVERY REQUESTS ASSOCIATED WITH
NON-CATEGORICAL USE OF FORCE INVESTIGATIONS -
ESTABLISHED**

PURPOSE: Criminal discovery requests associated with Non-Categorical Use of Force (NCUOF) investigations typically result from cases that involve a battery on a police officer, resisting arrest, and cases related to physical altercations with police officers. The majority of these crimes are misdemeanors and do not have an investigating officer assigned as a liaison with the prosecuting agency.

This Order designates responsibilities to each geographic Bureau Detective Coordinator (BDC) for responding to criminal discovery requests associated with NCUOF investigations when there is no investigating officer assigned to the case. However, in cases when there is an assigned investigating officer, the investigating officer will be responsible for handling these requests.

PROCEDURE:

- I. CRIMINAL DISCOVERY REQUESTS INVOLVING NON-CATEGORICAL USE OF FORCE INVESTIGATIONS.** Criminal discovery requests are received from the City Attorney's or District Attorney's Offices requesting the Department to disclose and provide information associated with a criminal case.

Normally, the criminal discovery requests associated with NCUOF investigations will be forwarded to the assigned investigating officer handling the case. However, when there is no assigned investigating officer, it shall be handled by the geographic BDC from the Area of occurrence or the BDC where the officer is assigned if the incident occurred outside the City.

- A. Discoverable Information.** Information that may be available during these procedures include, but are not limited to:

- * Photos, videotapes or audio tapes, and a description of the relevant items;
- * Witness statements;
- * Scene diagrams;
- * Documents not previously listed in a crime or arrest report;
- * Newly discovered evidence not contained in a crime or arrest report; and,

- * Corrections or reconciliation of conflicting information.

B. Non-Discoverable Information. Certain information in NCUOF investigations is considered confidential and shall not be provided as part of the discovery response. Such information includes, but is not limited to:

- * Adjudication of the Use of Force incident;
- * Critiques of an officer's tactics;
- * Training Evaluation and Management Systems II (TEAMS II) reports;
- * Training and/or counseling documentation; and,
- * Disciplinary issues or actions.

Note: Certain items of information may not be clear as to whether a confidential or privileged status exists. In such situations, a city attorney assigned to Police Discovery of the City Attorney's Office shall be contacted for guidance.

II. INVESTIGATING OFFICER/BUREAU DETECTIVE COORDINATOR (BDC)'S RESPONSIBILITIES. An investigating officer or the BDC assigned to the case shall be responsible for handling criminal discovery requests associated with a NCUOF investigation from the City Attorney's or District Attorney's Office. The investigating officer or the BDC handling the request shall:

- * Prepare a package that contains the related discovery material;
- * Complete a Follow-Up Investigation Report, Form 3.14, summarizing the response to the discovery request;
- * Complete a Proposed Protective Order (see attached exemplar); and,
- * Forward the package to the requesting entity (City Attorney's or District Attorney's Office).

Note: If the case is less than three weeks old, the related reports may be available in the geographic Bureau Training Coordinator's Office. Cases older than three weeks may be stored at the Use of Force Review Division.

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AMENDMENTS: This Order adds Department Manual Sections 4/792.20, and 4/792.30.

AUDIT RESPONSIBILITY: The Commanding Officer, Detective Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

Attachment

DISTRIBUTION "D"